

COLUMBUS I CLEVELAND CINCINNATI-DAYTON

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VIA ELECTRONIC DELIVERY

Adam M. Bialek, Esq. WOLLMUTH MAHER & DEUTSCH LLP 500 Fifth Avenue, 12th Floor New York, New York 10110

Re:

<u>Lehman Brothers Special Financing, Inc. v.</u> <u>Bank of America National Association, et al.</u>

Adv. Pro. No. 10-03547 (the "Lawsuit")

Our Clients: Nationwide Life Insurance Company and

Nationwide Mutual Insurance Company

("Nationwide")

Dear Mr. Bialek:

As you may be aware from prior correspondence, our office is counsel for the Nationwide entities described above concerning the Lawsuit. I am writing to request information from your office or from your client.

Specifically, we would like to see any records which identify when your client or your office first had information indicating that the referenced Nationwide entities were noteholders who participated in the transactions described in the Lawsuit. Since your client was a credit default counterparty, we assume that it maintained lists of all noteholders who participated in the transactions to which your client was a credit default counterparty.

In lieu of a document production, we will consider an alternative if you provide us a date certain by which your office or your client had actual knowledge that the Nationwide entities were noteholders in the transactions referenced in the Lawsuit.

Please be advised that we would like this information by close of business on August 17, 2012. In the event we do not receive this information by informal cooperation, we will be filing a motion with the Court seeking to lift the stay to allow for limited discovery on this subject. Since the Court has permitted the Debtors to engage in limited

EXHIBIT

08-13555-mg Doc 34136-2 Filed 01/23/13 Entered 01/23/13 15:26:17 Exhibit E

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discovery to identify Defendants in the adversary proceeding, we assume the Court will likewise allow for comparable discovery as to when the Debtors first had actual knowledge of the identity of those Defendants.

Please give me a call if you have any questions.

Very truly yours,

Quintin F. Lindsmith

cc: Daniel C. Fleming, Esq. James K. Haney, Esq. Kenneth C. Johnson, Esq.